

## **REMARKS**

With this Response, claims 1, 13, 24, and 29 are amended. No claims are added or canceled. Therefore, claims 1-32 are pending.

## **REGARDING THE CLAIM AMENDMENTS**

Applicants submit that the amendments to the claims herein are not necessary to overcome the rejection of the claims as discussed below. However, in an effort to expedite prosecution, Applicants have elected to provide certain amendments to make more explicit what is already implicit in the claims, as well as provide certain clarifications of the subject matter.

## **REJECTIONS UNDER 35 U.S.C. § 103**

### **Claims 1-7, 13-17, 24-28 and 29-31**

Claims 1-7, 13-17, 24-28 and 29-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2004/0019662 of Viswanath (hereinafter "Viswanath") in view of U.S. Patent No. 6,664,978 of Kekic et al. (hereinafter "Kekic"). Applicants submit that these claims are not rendered obvious by the cited references for at least the following reasons.

Of these claims, 1, 13, 24, and 28 are independent claims. Each of these claims recites features directed to a monitor tree having a plurality of nodes, where each node is associated with a resource of a cluster of application servers, the resources having a hierarchical relationship.

As Applicants have understood the rejection of the claims, Viswanath is cited as disclosing the cluster of application servers, and Kekic is cited as disclosing the monitor tree, including the hierarchical relationship of the nodes of the tree. Applicants do not concede that Viswanath discloses what is asserted. However, even assuming for the sake of argument herein that Viswanath does disclose what is asserted in the Office Action, the combination of the cited references still fails to disclose or suggest what is recited in Applicants' claims. Additionally, Kekic does not stand for what is asserted in the Office Action. Even assuming the teachings of the references are combinable, which Applicants do not concede, the combination of the references results in something different than what is recited in Applicants' claims.

Kekic discusses an SNMP monitoring system. More particularly, the reference discusses monitoring of devices in a network. At each of the devices, there is a monitoring process that keeps a database (MIB) local to the device. The Office Action asserts that the data in the local database is understood as a hierarchical monitor tree, given that the MIB can be organized as a tree. Assuming for the sake of argument, without conceding, that Viswanath discloses a cluster of application servers, the combination of the cluster of application servers with Kekic's monitoring system would not disclose what Applicants claim. Kekic fails to disclose a system-level hierarchical relationship among monitored resources, and instead only shows a tree for local resources. Applicants do not understand the reference as disclosing how the system-wide view of the monitoring is performed - nor does it appear to be important in the reference. Thus, at most the combination of Kekic and Viswanath could be understood as disclosing a system of application servers that each contains a local datastructure having a tree of monitoring information for the local application server. There is no support to suggest that because one reference (Kekic) discloses a tree local to a device that the entire system (all devices) are organized in any sort of hierarchical fashion. One of skill in the art would naturally assume that the standard forms of organization and monitoring would be performed as is described in the reference, which does not organize the overall system in a monitor tree.

In contrast, Applicants' independent claims recite resources in a cluster of application servers that are hierarchically organized. For at least these reasons, Applicants respectfully submit that whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the claimed invention, and so fails to render obvious the invention as recited in the independent claims. The dependent claims are patentable over the cited references for at least the same reasons as the independent claims.

Furthermore, as amended herein, Applicants' claims recite further features not disclosed or suggested in the cited references. For example, as amended, Applicants' claims recite a JMX monitoring system, with a cluster of application servers that spans multiple JVMs. Although a "cluster of application servers" would be understood by one skilled in the art in light of Applicants' Specification, Applicants have made claim amendments herein to expressly point out that a cluster of application servers has multiple server instances and a central services instance, which Applicants do not understand to be shown the cited references.

Thus, in addition to the reasons set forth above, Applicants claims recite other features not disclosed or suggested by the cited references, whether alone or in combination. Therefore, Applicants' claims are not rendered obvious by the cited references.

**Claims 8-12, 18-23 and 32**

Claims 8-12, 18-23 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Viswanath and Kekic in view of U.S. Patent Publication No. 2003/0177477 of Fuchs (hereinafter "Fuchs"). These claims are not rendered obvious by the cited references. Fuchs is cited as disclosing various tabs and other features. However, Fuchs does not cure the deficiencies of Viswanath and Kekic. Whether alone or in combination, the cited references fail to disclose or suggest at least the features set forth above, and so fail to render obvious the invention as recited in Applicants' claims.

## CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections are overcome, and respectfully requests that the rejections be withdrawn. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: July 29, 2008

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